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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,183	02/26/2002	Christer O. Andreasson	263/292	8214
34313	7590	06/21/2004	EXAMINER	
ORRICK, HERRINGTON & SUTCLIFFE, LLP 4 PARK PLAZA SUITE 1600 IRVINE, CA 92614-2558			LIEU, JULIE BICHNGOC	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/086,183	ANDREASSON ET AL.	
	Examiner	Art Unit	
	Julie Lieu	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☐ Claim(s) 11-17, 19, 21-25, 27, 28 and 30-34 is/are rejected.
- 7) ☒ Claim(s) 18, 20, 26 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/8/30</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11-16, 21-25, 27, 30, 32, and 34 rejected under 35 U.S.C. 102(e) as being anticipated by Bui et al. (US 2003/0141981).

Claim 11:

Bui et al. Discloses an apparatus for monitoring administration of medical products to a patient, each of the medical products comprising a RFID tag 124a for storing data related to the respective medical product, the apparatus comprising:

- a. A reader 118 for reading RFID tags associated with a plurality of medical products placed in close proximity to the reader to obtain the data stored in the RFID tags;
- b. A processor 118a coupled to the reader for processing data obtained from the RFID tags to identify the medical products.

Claim 12:

A display 104c is coupled to the processor 118 (inherent) and the processor controls the display 118a to display the identified medical products.

Claim 13:

Bui further discloses a network interface 126 coupled to the processor 118, and wherein the processor is configured for transmitting data obtained from the RFID tags using the network interface.

Claim 14:

Processor 118 is configured for receiving a notification via network interface, in response to the transmission, indicating whether to administer the identified medical products. See figures 3-8.

Claim 15:

A display 118a is coupled to the processor, and wherein the processor is configured for displaying the received notification 318 on the display.

Claim 16:

An output device, display 118a, is coupled to the processor, and wherein the processor activates the output device when the received notification indicates that the identified medical products should not be administered.

Claim 21 and 27:

The rejection of claim 21 recites what was discussed in the rejection of claim 11, except claim 21 is a method claim.

Claim 22:

The system in Bui verifies by comparing the product identifier from the data obtained from the RFID tag with a product identifier from the data associated with the patient. See fig. 8.

Claim 23:

The product identifier comprises at least one of a product name, a dosage, a product serial number. Page 2, para. [0024].

Claims 24 and 25:

The rejection of claims 24-25 recite the rejection of claim 16.

Claim 30:

The rejection of claim 30 recite the rejection of claim 11.

Claim 32:

The system in Bui comprises step of accessing a database to obtain data associated with the medical products based upon the data obtained from the RFID tags.

Claim 34:

The system in Bui further verifies that the patient is intended to receive the plurality of medical products by comparing the data obtained from the RFID tags with data associated with the patient.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 17, 19, 28, 31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bui et al. (US 2003/0141981).

Claim 17:

The output device in Bui does not include least one of a light indicator and an audio indicator. However, one skilled in the art would have readily recognized that display 118a provides an equivalent function of an light indicator to indicate an alarm condition.

Claim 19:

Bui fails to disclose in detail how the RFID reader is formed. However, one skilled in the art would have readily recognized to include a read pad and antenna in the reading device 118 to read the signal from the ID tags because it is conventional.

Claims 28:

The reference fails to disclose recording administration of the medical product to the patient when there is a match. However, it would have been obvious to one skilled in the art to

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incorporate the idea into the Bui system because it would keep a record of the administering of the medical product to the particular patient for future purposes.

Claim 31:

The rejection of claim 31 recites the rejection of claim 28.

Claim 33:

Though Bui does not use location identifiers to identify obtain product identifiers, it appears that the product identifier read from the product would provide equivalent information. Lacking any criticality as to why location identifiers must be used to obtain product identifiers, what unexpected result would be obtained, or how it would solve any stated problems, not patentable weight is given since the system in Bui is functionally equivalent to that claimed.

Allowable Subject Matter

5. Claims 18, 20 26, and 29 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 1-10 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: no prior art or reference have been found to fairly teach or suggest a reader for “simultaneously” reading RFID tags associated with plurality of medical products.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wan, US 6,538,281.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 703-308-6738. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Hofsass can be reached on 703-305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie Lieu
Primary Examiner
Art Unit 2636

Jun 15, 04